

Pursuant to Ind.Appellate Rule 65(D),
this Memorandum Decision shall not be
regarded as precedent or cited before
any court except for the purpose of
establishing the defense of res judicata,
collateral estoppel, or the law of the case.

ATTORNEY FOR APPELLANT:

SUSAN D. RAYL
Indianapolis, Indiana

ATTORNEYS FOR APPELLEE:

STEVE CARTER
Attorney General of Indiana

MONIKA PREKOPA TALBOT
Deputy Attorney General
Indianapolis, Indiana

**IN THE
COURT OF APPEALS OF INDIANA**

ALFRED ARMOUR,)	
)	
Appellant-Defendant,)	
)	
vs.)	No. 49A02-0601-CR-48
)	
STATE OF INDIANA,)	
)	
Appellee-Plaintiff.)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Mark Stoner, Judge
Cause No. 49G09-0501-FD-7863

September 19, 2006

MEMORANDUM DECISION - NOT FOR PUBLICATION

NAJAM, Judge

STATEMENT OF THE CASE

Alfred Armour appeals from the trial court's order modifying the conditions of his probation. He presents a single issue for our review, namely, whether the trial court erred when it modified the conditions of his probation without first finding a probation violation.

We dismiss.

FACTS AND PROCEDURAL HISTORY

On June 7, 2005, Armour pleaded guilty to Theft, and the trial court sentenced him to a suspended one-year term and placed him on probation. On September 21, 2005, the State filed a notice of probation violation alleging that Armour: failed to report to the Probation Department; failed to report an accurate address to the Probation Department; failed to complete his community service work; tested positive for THC; and failed to fulfill his financial obligations. Following a hearing on October 23, 2005, the trial court took the matter under advisement, but also placed Armour on the 10-20-30 program for drug screens and ordered him to complete his community service by December 31, 2005.

On December 14, 2005, the State filed a second notice of probation violation restating the previous allegations and alleging that Armour had failed another drug screen and had been arrested for driving with a suspended license. Following a hearing, the trial court found that Armour had failed to report to the Probation Department and had given an incorrect address. The trial court revoked Armour's probation on those grounds and ordered him to serve the remainder of his sentence in the Department of Correction. This appeal ensued.

DISCUSSION AND DECISION

Armour's sole contention on appeal is that the trial court erred when, on October 23, 2005, it imposed additional conditions of probation without first finding that he had violated the terms of probation. In support of that contention, Armour cites to Jones v. State, 789 N.E.2d 1008, 1012 (Ind. Ct. App. 2003), trans. denied, where this court held that a trial court may not impose additional conditions of probation without first having found a probation violation. But, as the State correctly points out, this issue is moot.

Armour's probation revocation was the result of his violation of the original conditions of probation imposed on June 7, 2005, not the additional conditions imposed in October 2005. And Armour has already served his sentence in this matter. As such, this court cannot render effective relief to Armour, and his contention on appeal is moot. See A.D. v. State, 736 N.E.2d 1274, 1276 (Ind. Ct. App. 2000).

Still, Armour asks that we disregard the mootness doctrine and address the merits of his contention on appeal because this issue "is likely to recur" and is "a matter of great public interest." Reply Brief at 3. But, because the issue presented was addressed in Jones, we need not do so here. We dismiss Armour's appeal as moot.

Dismissed.

FRIEDLANDER, J., and DARDEN, J., concur.